UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

YOON DOELGER and PETER DOELGER,

Plaintiffs,

v.

JPMORGAN CHASE BANK, N.A. and CHICKASAW CAPITAL MANAGEMENT, LLC,

Defendants.

Civil Action No. 1:21-cv-11042-AK

PLAINTIFFS' RESPONSE TO JPMORGAN CHASE BANK, N.A.'S SUR-REPLY

The purported "opposition" (Doc. No. 458) (the "Sur-Reply") filed by JPMorgan Chase Bank, N.A. ("JP Morgan") appears to be a sur-reply disguised as an opposition to Plaintiffs' Motion for Leave to Reply (Doc. No. 456). The Sur-Reply mainly responds to arguments raised in Plaintiffs' proposed reply (Doc. No. 456-1). JP Morgan also failed to confer with Plaintiffs regarding its intent to file a Sur-Reply, and for this reason alone, the filing should be struck. In any event, Plaintiffs do not object to the Court considering JP Morgan's Sur-Reply, especially given that regardless of how the District Court rules, it is likely the non-prevailing party will seek relief from the First Circuit in connection with Plaintiffs' appeal. For the sake of efficiency, there should be a complete record.

Dated: January 17, 2025 Respectfully submitted,

YOON DOELGER and PETER DOELGER

By their attorneys,

/s/ James R. Serritella
James R. Serritella*
Mario Cacciola*
Hannah R. Freiman*
KIM & SERRITELLA LLP
110 W. 40th Street, 10th Floor
New York, NY 10018
T - (212) 960-8345
jserritella@kandslaw.com
*Pro Hac Vice

Joshua W. Gardner (BBO No. 657347) GARDNER & ROSENBERG P.C. One State Street, Fourth Floor Boston, Massachusetts 02109 T - (617) 390-7570 josh@gardnerrosenberg.com **CERTIFICATE OF SERVICE**

I certify that on this date the foregoing response was filed electronically with the Clerk of

the Court by CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation

of this Court's CM/ECF electronic filing system. Parties may access this filing through the Court's

system.

Date: January 17, 2025

/s/ James R. Serritella
James R. Serritella

3